

Claim 17, line 2, delete "characterized in that the" and insert --wherein a--;
line 2, delete "the" and insert --a--;
line 2, delete "(44)";
line 3, delete "(14)";
line 4, delete "(84)".

REMARKS

By this amendment, applicants have amended the specification to insert appropriate headings therein and to delete reference therein to the claims. Applicants have also amended the claims to more clearly define their invention. In particular, the claims have been amended to eliminate the narrative format and to eliminate the words and phrases deemed indefinite by the Examiner.

In view of the foregoing amendments to the claims, it is submitted all of the claims now in the application comply with the requirements of 35 USC 112, second paragraph. Accordingly, reconsideration and withdrawal of the rejection of claims 1 - 17 under 35 USC 112, second paragraph, are requested.

Claims 1 - 6, 10 and 13 - 16 stand rejected under 35 USC 103 as being unpatentable over United States Patent No. 5,269,464 to Epple et al in view of United States Patent No. 2,757,045 to Nullet. Applicants respectfully traverse this rejection and request reconsideration thereof.

The present invention relates to a covering device for covering an opening in an outer panel of a motor vehicle, e.g., for covering the spray nozzle passage for a headlight washer system. For improved fit, applicants propose that the positioning of the hinged door of the covering device in relation to the opening be independent of the fastening of the hinge. This is achieved, according to the present invention, by using a

mounting frame which fits securely into the opening and providing the door so that it is hinged to the mounting frame, the door having a closed position in which the door completely covers the mounting frame and the opening into which it fits, and a release position in which the door swings outward from the opening.

The patent to Epple et al merely discloses a spraying device for a headlamp cleaning system in which the segment of the nozzle carrier closest to the vehicle exterior is in the form of a nozzle holder and is provided with a sealing rubber gasket to seal the opening in the receiving an guide tube in the rest position of the nozzle. Thus, the nozzle itself serves as the cover and is not hinged to a frame which fits securely in the opening, as in the present invention.

The patent to Nullet relates to an automatic disappearing sprinkler for use in a field. An automatic disappearing sprinkler for use in a field is not analogous to a headlamp cleaning system and, therefore, there would have been no motivation to combine the disparate teaching of Nullet and Epple et al. While the Examiner alleges it would "have been obvious to one of ordinary skill in the art to substitute a hinged cover as taught by Nullet for the integral covering/nozzle housing in Epple to permit the nozzle to be retracted deeper into the interior of the car to prevent possible freezing," the Examiner has provided no suggestion in the prior art to make such a substitution or any reasoning as to why one of ordinary skill in the art would have looked to the field sprinkler of Nullet when facing problems in connection with a headlamp cleaning system. Moreover, it is not clear that one of ordinary skill in the art would have recognized a possible freezing problem in connection with the spraying device of Epple or that the Nullet sprinkler would solve any such problem. In short, it is submitted there would have been no motivation to combine the teachings

of Nullet with those of Epple et al.

For the foregoing reasons, it is submitted the claims are patentable over the proposed combination of Epple et al and Nullet.

Claims 11 and 12 stand rejected under 35 USC 103 as being unpatentable over Epple and Nullet, and further in view of United States Patent No. 4,752,032 to Costa et al. The Examiner has cited the patent to Costa et al only for its teachings in connection with the spring 20. In Costa, the spring 20 pulls piston 19 back into contact with the inner surface of end wall 15 on hydraulic piston 11 to maintain the frame 7 contacting glass front 3 in the idle position. However, the frame 7 contacts only the edges of the head lamp and serves a completely different purpose than the hinged cover of the present invention. Thus, even assuming, arguendo, one of ordinary skill in the art would have used a spring to keep the litter frame shut, it is submitted the Costa et al patent does not remedy any of the basic deficiencies of Epple et al and Nullet. Therefore, claims 11 and 12 are patentable over the proposed combination of references.

Applicants note with appreciation the indication that claims 7 - 9 and 17 would be allowable if rewritten in independent form.

Applicants note the Examiner has cited a number of additional patents as being pertinent to applicants' disclosure. However, since these patents were not applied in rejecting claims formerly in the application, further discussion of these patents is deemed unnecessary.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance of all of the claims now in the application are requested.

To the extent necessary, applicants petition for an extension of time under 37

CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 323.35634X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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